

IPW



16869S-093900US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

AKIYOSHI HASHIMOTO

Application No.: 10/655,692

Filed: September 5, 2003

For: FILE SERVER SYSTEM

Customer No.: 20350

Examiner: Unassigned

Technology Center/Art Unit: 2185

Confirmation No.: 6495

**RESUBMISSION OF PETITION TO
MAKE SPECIAL FOR NEW
APPLICATION UNDER M.P.E.P.
§ 708.02, VIII & 37 C.F.R. § 1.102(d)**

MAIL STOP PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The enclosed Petition to Make Special was filed on November 18, 2004. Also enclosed is a copy of the Express Mail label stamped November 18, 2004, the return postcard stamped November 18, 2004, the Transmittal Form, and the Fee Transmittal.

No decision on the Petition has not been entered according to Patent Application Information Retrieval (PAIR).

In view of the foregoing, Applicants respectfully request entry of the Petition and issuance of a first Office Action at an early date.

Respectfully submitted,

Chun-Pok Leung
Reg. No. 41,405

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 650-326-2400; Fax: 415-576-0300
Attachments
RL:rl
60600473 v1

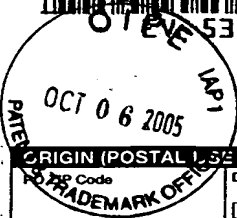


EV 530886429 US

Mailing Label
Label 11-F June 2002

UNITED STATES POSTAL SERVICE®

Post Office To Addressee



ORIGIN (POSTAL USE ONLY)

PO ZIP Code 94130	Day of Delivery <input type="checkbox"/> Next <input checked="" type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
Date In Mo. Day Year 11 18 04	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 17.85
Time In <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
Weight lbs. 2 ozs.	Int'l Alpha Country Code	COD Fee Insurance Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials	Total Postage & Fees \$ 17.85

DELIVERY (POSTAL USE ONLY)

Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Date	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	

☐ WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. (With delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.)

NO DELIVERY ☐ Weekend ☐ Holiday

Customer Signature

CUSTOMER USE ONLY

METHOD OF PAYMENT:
Express Mail Corporate Acct. No.

X941886

Federal Agency Acct. No. or
Postal Service Acct. No.

FROM: (PLEASE PRINT)

650 326 2400

PHONE ()

TOWNSEND TOWNSEND & CREW LLP
379 LYTTON AVE
PALO ALTO CA 94301-1431

TO: (PLEASE PRINT)

PHONE ()

COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA VA 22313-1450

16869S-093900WS RL/x

PRESS HARD.

You are making 3 copies.

FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com



EV 530886429 US

Customer Copy
Label 11-F June 2002

UNITED STATES POSTAL SERVICE®

Post Office To Addressee

ORIGIN (POSTAL USE ONLY)

PO ZIP Code 94130	Day of Delivery <input type="checkbox"/> Next <input checked="" type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
Date In Mo. Day Year 11 18 04	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 17.85
Time In <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
Weight lbs. 2 ozs.	Int'l Alpha Country Code	COD Fee Insurance Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials	Total Postage & Fees \$ 17.85

DELIVERY (POSTAL USE ONLY)

Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Date	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	

☐ WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. (With delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.)

NO DELIVERY ☐ Weekend ☐ Holiday

Customer Signature

CUSTOMER USE ONLY

METHOD OF PAYMENT:
Express Mail Corporate Acct. No.

X941886

Federal Agency Acct. No. or
Postal Service Acct. No.

FROM: (PLEASE PRINT)

650 326 2400

PHONE ()

TOWNSEND TOWNSEND & CREW LLP
379 LYTTON AVE
PALO ALTO CA 94301-1431

TO: (PLEASE PRINT)

PHONE ()

COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA VA 22313-1450

16869S-093900WS RL/x

PRESS HARD.

You are making 3 copies.

FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com



COPY



TO THE U.S. PATENT AND TRADEMARK OFFICE:

60359840v1

Application No.:	10/655,692	Docket No.:	16869S-093900US
Confirmation No.:	6495	Attorney:	RL:jbs
Due Date:	N/A		
Date Mailed:	November 17, 2004		

Please stamp the date of receipt of the following documents and return this card to addressee.

- Transmittal Form
- Fee Transmittal (x2)
- Petition to Make Special
- Six (6) cited references (U.S. Patent No. 6,122,631; U.S. Patent Publication Nos. 2002-0103904 A1/2003-0023784 A1; Bakke et al. article; Gibson et al. article, and Vahalia Unix Internals
- Return Receipt Postcard

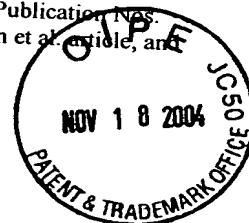
TO THE U.S. PATENT AND TRADEMARK OFFICE:

60359840v1


Application No.:	10/655,692	Docket No.:	16869S-093900US
Confirmation No.:	6495	Attorney:	RL:jbs
Due Date:	N/A		
Date Mailed:	November 17, 2004		

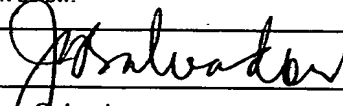
Please stamp the date of receipt of the following documents and return this card to addressee.

- Transmittal Form
- Fee Transmittal (x2)
- Petition to Make Special
- Six (6) cited references (U.S. Patent No. 6,122,631; U.S. Patent Publication Nos. 2002-0103904 A1/2003-0023784 A1; Bakke et al. article; Gibson et al. article, and Vahalia Unix Internals
- Return Receipt Postcard



ORIGINAL TRANSMITTAL FORM OCT 06 2005 (to be used for all correspondence after initial filing) PATENT AND TRADEMARK SERVICE	Application Number	10/655,692
	Filing Date	September 5, 2003
	First Named Inventor	Hashimoto, Akiyoshi
	Art Unit	2185
	Examiner Name	Unassigned
	Attorney Docket Number	16869S-093900US
Total Number of Pages in This Submission		9

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition to Make Special <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard Six (6) cited references
Remarks: The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Townsend and Townsend and Crew LLP	
Signature		
Printed name	Chun-Pok Leung	
Date	November 18, 2004	Reg. No. 41,405

CERTIFICATE OF TRANSMISSION/MAILING			
Express Mail Label: EV 530886429 US			
I hereby certify that this correspondence is being deposited with the United States Postal Service with "Express Mail Post Office to Address" service under 37 CFR 1.10 on this date November 18, 2004 and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Joy Salvador	Date	November 18, 2004

EV530886429US

COPY

PTO/SB/17 (10-04)

OFFICE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130.00

Complete if Known

Application Number	10/655,692
Filing Date	September 5, 2003
First Named Inventor	Hashimoto, Akiyoshi
Examiner Name	Unassigned
Art Unit	2185
Attorney Docket No.	16869S-093900US

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:
Deposit
Account
Number

20-1430

Deposit
Account
Name

Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) or any underpayment of fee(s)
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$0.00)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below		Fee Paid	
Independent Claims		**	=		X		
Multiple Dependent		**	=		X		

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$0.00)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

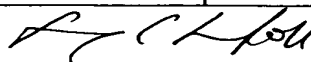
*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

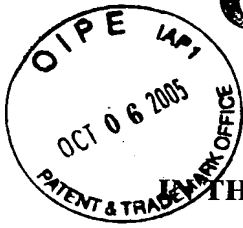
(\$130.00)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Chun-Pok Leung	Registration No. (Attorney/Agent)	41,405	Telephone	650-326-2400
Signature				Date	November 18, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



COPY

PATENT
Attorney Docket No.: 16869S-093900US
Client Ref. No.: W1145-01EF

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

AKIYOSHI HASHIMOTO

Application No.: 10/655,692

Filed: September 5, 2003

For: FILE SERVER SYSTEM

Customer No.: 20350

Examiner: Unassigned

Technology Center/Art Unit: 2185

Confirmation No.: 6495

**PETITION TO MAKE SPECIAL FOR
NEW APPLICATION UNDER M.P.E.P.
§ 708.02, VIII & 37 C.F.R. § 1.102(d)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a petition to make special the above-identified application under MPEP § 708.02, VIII & 37 C.F.R. § 1.102(d). The application has not received any examination by an Examiner.

(a) The Commissioner is authorized to charge the petition fee of \$130 under 37 C.F.R. § 1.17(i) and any other fees associated with this paper to Deposit Account 20-1430.

(b) All the claims are believed to be directed to a single invention. If the Office determines that all the claims presented are not obviously directed to a single invention, then Applicants will make an election without traverse as a prerequisite to the grant of special status.

(c) Pre-examination searches were made of U.S. issued patents, including a classification search and a computer database search. The searches were performed on or around September 15, 2004, and were conducted by a professional search firm, Kramer & Amado, P.C. The classification search covered Class 709 (subclasses 203, 219, and 225), Class 711 (subclasses 111 and 112), and Class 713 (subclasses 165, 200, 201, and 202) for the U.S. and foreign subclasses identified above. The computer database search was conducted on the USPTO systems EAST and WEST. The inventors further provided three references considered most closely related to the subject matter of the present application (see references #4-6 below), which were cited in the Information Disclosure Statements filed on October 9, 2003.

(d) The following references, copies of which are attached herewith, are deemed most closely related to the subject matter encompassed by the claims:

- (1) U.S. Patent No. 6,122,631;
- (2) U.S. Patent Publication No. 2002/0103904 A1;
- (3) U.S. Patent Publication No. 2003/0023784 A1;
- (4) Bakke et al., "iSCSI Naming and Discovery," available on-line at <http://www.ietf.org/internet-drafts/draft-ietf-ips-iscsi-name-disc-09.txt>, Internet Draft of IPS Working Group, the Internet Society (2002);
- (5) Gibson et al., "File Server Scaling with Network-Attached Secure Disks," Proceedings of the 1997 ACM Sigmetrics International Conference on Measurement and Modeling of Computer Systems, Seattle, WA (1997); and

(6) VAHALIA UNIX Internals: The New Frontiers, pp. 291-313,
Prentice Hall (1995).

(e) Set forth below is a detailed discussion of references which points out
with particularity how the claimed subject matter is distinguishable over the references.

A. Claimed Embodiments of the Present Invention

The claimed embodiments relate to a file server that provides a plurality of
networked clients with file services.

Independent claim 1 recites a file server system comprising a plurality of hard
disk drives connected to a plurality of clients via a network; and a file control unit connected
to the network for accepting an access request from the clients to the hard disk drives to
manage the data input/output of the plurality of hard disk drives. The file control unit has
configuration information with which a plurality of pieces of identification (ID) information,
each identifying one of the plurality of hard disk drives, can be registered. The file control
unit broadcasts a hard disk drive search message via the network. In response to the hard
disk drive search message, the hard disk drive returns the ID information specifying the self
hard disk drive to the file control unit. In response to the returned ID information, the file
control unit establishes a setting such that the hard disk drive, which has returned the ID
information, cannot communicate with devices on the network other than the file control unit.

Independent claim 11 recites a file server system comprising a plurality of
switching hubs interconnected to form a network; a plurality of hard disk drives connected to
clients via the network; and a file control unit. Each of the plurality of hard disk drives is
connected to one of the plurality of switching hubs. The file control unit is connected to one
of the plurality of switching hubs. The file control unit accepts an access request from the
clients to the hard disk drives to manage a data input/output of the plurality of hard disk
drives. The switching hubs perform control so that the file control unit and the plurality of
clients belong to a virtual network and so that the file control unit and the plurality of hard
disk drives belong to another virtual network.

One of the benefits that may be derived is securing the safety of data saved on
hard disk drives when clients and hard disk drives are connected to the same LAN. By

preventing the clients or the management terminal from reading data from, or writing data to, the hard disk drive without obtaining permission from the file control unit, the system ensures data safety since data is transferred always via the file control unit. In addition, by inhibiting the clients and the management terminal from directly accessing hard disk drives in the system employing separate virtual networks, the file control unit and the hard disk drives need not have the encrypted communication function and thus the cost may be reduced.

B. Discussion of the References

None of the following references disclose a file server system in which the file control unit broadcasts a hard disk drive search message via the network; wherein, in response to the hard disk drive search message, the hard disk drive returns the ID information specifying the self hard disk drive to the file control unit; and wherein, in response to the returned ID information, the file control unit establishes a setting such that the hard disk drive, which has returned the ID information, cannot communicate with devices on the network other than the file control unit.

The references also do not teach a file server system in which the file control unit accepts an access request from the clients to the hard disk drives to manage a data input/output of the plurality of hard disk drives, wherein the switching hubs perform control so that the file control unit and the plurality of clients belong to a virtual network and so that the file control unit and the plurality of hard disk drives belong to another virtual network.

1. U.S. Patent No. 6,122,631

This reference discloses a dynamic server-managed access control for a distributed file system with a server file access token which it delivers to the distributed file system and to the client. The client uses the token in place of a standard file name. If a request to access (open) the file is received from a client with the token, the file is opened.

2. U.S. Patent Publication No. 2002/0103904 A1

This reference discloses a method and an apparatus for controlling access to files associated with a virtual server. Each virtual server is also assigned an identifier to uniquely identify that server and all files associated with that server. The server computing device retrieves the identifier assigned to the existing file. Next, the server computing device

determines whether the identifier is associated with the virtual server that generated the file access request. If the identifier is associated with the virtual server that generated the file access request, the server computing device allows access to take place.

3. U.S. Patent Publication No. 2003/0023784 A1

This reference relates to a storage system having a plurality of controllers. The assigned controller identity number is the identification number of the controller to which the disk drive unit identified at path ID and address is allocated. The processor searches the disk pool management table using the identification number in the inquiry as the search key to identify the disk drive units that can be used by the inquiring controller. See [0070] and [0084].

4. Bakke et al., "iSCSI Naming and Discovery," available on-line at <http://www.ietf.org/internet-drafts/draft-ietf-ips-iscsi-name-disc-09.txt>, Internet Draft of IPS Working Group, the Internet Society (2002)

This reference discloses iSCSI which is a standard that allows SCSI protocol communication to be performed on a network.

5. Gibson et al., "File Server Scaling with Network-Attached Secure Disks," Proceedings of the 1997 ACM Sigmetrics International Conference on Measurement and Modeling of Computer Systems, Seattle, WA (1997)

This reference discloses NetSCSI and NASD. This is discussed in the present specification at page 2, line 14 to page 4, line 21.

6. VAHALIA UNIX Internals: The New Frontiers, pp. 291-313, Prentice Hall (1995)

This reference relates to NFS (Network File System), which is a technology for managing data on a file basis. A computer in which files are saved is called a file server, and a computer that uses the files saved in a file server via a network is called a client. NFS is a technology that allows the user to use files saved in the file server as if they were saved in the client's disk. In practice, NFS is defined as a network communication protocol between a file server and a client.

Appl. No. 10/655,692
Petition to Make Special

PATENT

(f) In view of this petition, the Examiner is respectfully requested to issue
a first Office Action at an early date.

Respectfully submitted,



Chun-Pok Leung
Reg. No. 41,405

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
Attachments
RL:rl
60351325 v1